

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-8 are pending in this case.

The outstanding Official Action objected to the abstract for failing to comply with MPEP §608.01(b). Claim 1 was rejected under 35 U.S.C. §103(a) as unpatentable over Nagashima (U.S. Patent No. 6,419,751) in view of Granneman et al. (U.S. Patent No. 6,461,439, hereinafter "Granneman"). However, Claims 2-8 were objected to as being dependent on a rejected base claim, but otherwise were indicated as including allowable subject matter if re-written in independent form.

Applicants gratefully acknowledge the indication that Claims 2-8 include patentable subject matter.

The abstract has been amended so as not to include legal phraseology or more than 150 words, placing the abstract in conformance with the guidelines stated in M.P.E.P. §608.01(b). No new matter is added. Accordingly, the objection to the abstract is believed to be overcome.

Claim 1 was rejected under 35 U.S.C. §103(a) as unpatentable over Nagashima in view of Granneman. Applicants note that Nagashima qualifies as prior art under 35 U.S.C. §102(e) as the present application filing date predates the issue date of Nagashima. Accordingly, the rejection is respectfully traversed.

As Nagashima is §102(e) art, the obviousness rejection is deficient under 35 U.S.C. §103(c) as explained below.

Applicants submit that the present application and the Nagashima reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to

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Tokyo Electron Limited. Accordingly, application of the Nagashima reference in this obviousness rejection is improper.<sup>1</sup>

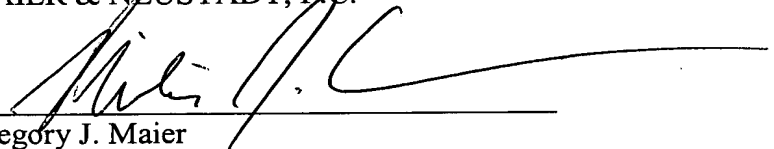
As all the only rejection of record relies on Nagashima, it is respectfully submitted this rejection is traversed as Nagashima may not be applied as a basis for supporting a *prima facie* case of obviousness as outlined by 35 U.S.C. §103(c).

Since Applicants have not amended the claims in response to any rejection on the merits, a further rejection of these claims based on newly cited prior art in the next communication **cannot properly be considered a Final Office Action**.

Accordingly, the outstanding rejection is traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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<sup>1</sup> It is noted that the filing date of the present application is after November 29, 1999, therefore bringing the present application under the current guidelines for 35 U.S.C. §103(c) for excluding §102(e) art.